

FILED
JAMES L. HINN
CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

04 MAY 14 PM 2:53

ELECTRIC INSURANCE COMPANY, : CASE NO. C-1-00-1056
et al. : JUDGE SUSAN J. DLOTT

Plaintiffs

vs.

PHYLLIS H. WALLACE, EXECUTRIX :
OF THE ESTATE OF CHRISTOPHER :
S. WALLACE, et al. :

Defendants.

AFFIDAVIT OF EDWIN L. HOSEUS, JR.

Affiant being first duly cautioned and sworn states the following:

My name is Edwin L. Hosues, Jr.. I am a practicing attorney in the State of Ohio.

I have at all material times represented Phyllis H. Wallace, Executrix of the Estate of Christopher S. Wallace, in the prosecution of a wrongful death/survivor claim and in certain litigation relative to insurance coverage.

On or about April 12, 2001 I filed a complaint in the Clermont County Court of Common Pleas against Robert Downey on behalf of the Estate of Christopher Wallace requesting money damages as a result of the accident of April 16, 1999.

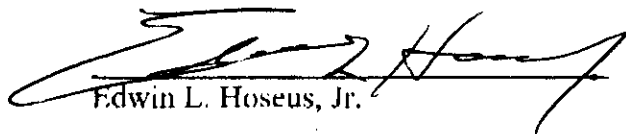
Exhibit "A" consists of a letter that I forwarded to Chrysler Insurance Company requesting liability coverage under the policy that is the subject of this action on July 21, 2000 and Chrysler's response of August 1, 2000 denying coverage.

Exhibit "B" is a fair and accurate representation of a letter that I drafted and mailed to Clifford C. Masch, Esquire on or about April 12, 2001.

Exhibit "C" is a fair and accurate copy of the response that I received from Clifford Masch, attorney for defendant, Chrysler Insurance Company on or about September 5, 2001.

Subsequent to the receipt of Exhibit "C" and in reliance thereon I settled the claims of the Estate of Christopher Wallace against Brian Downey and Allstate Insurance Company and on March 25, 2002 dismissed with prejudice all claims against Brian Downey and Allstate Insurance Company in Case No. 2001CV11398 in the Court of Common Pleas of Clermont County, Ohio.

And further affiant sayeth naught.


Edwin L. Hoseus, Jr.

Sworn to and subscribed before me this 14th day of May, 2004.

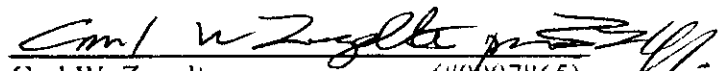


BONNIE L. CASE
Notary Public, State of Ohio
My Commission Expires June 25, 2008


Notary Public

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon Clifford C. Masch and Brian A. Meeker, Attorneys for Defendant Chrysler Insurance Co., 1400 Midland Building, 101 Prospect Avenue West, Cleveland, OH 45115-1093, Ronald B. Lee, Laura M. Faust and Mark A. Ropchick, Attorneys for Defendant Electric Insurance Company and National Union Fire Insurance Company, 222 South Main Street, Suite 400, Akron, OH 44308, by ordinary U.S. mail this 14th day of May, 2004.


Carl W. Zugel (#007865)
Attorney for Defendant Phyllis Wallace